IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.8296 OF 2005
IN
CRIMINAL APPEAL NO.1154 OF 2005

Sandeep Damodar Patil & Ors. .. Applicants.
Vs.
State of Maharashtra .. Respondent.

Mr.S.D.Nangre for the applicants.
Mrs.M.H.Mhatre A.P.P. for the State.

CORAM : D.B.BHOSALE, J.
DATED : 10TH JULY, 2006

P.C.:

. Heard learned counsel for the applicants and learned A.P.P. for the State.

2. This is an application for bail in the appeal which has already been admitted on merits. The applicants - original accused nos.2, 3 and 4 with co-accused - Bala Achrekar were charged, tried and convicted of the offence punishable under section 304(II) read with 34 of I.P.C. The appeal of co-accused - Bala Achrekar has also been admitted on merits and tagged with the appeal filed by the instant applicants. They all are sentenced to suffer R.I. for ten years and pay a fine of Rs.1,000/- each. This is a case of single blow inflicted by co-accused - Bala Achrekar which caused death of Nitesh. It is the case of the prosecution that there was an affair between co-accused - Bala and the sister of deceased -

Nitesh and on that count there was some incident of teasing in the evening on 7.6.1996. The alleged incident in question occurred in the night on the very day. Kashinath (P.W.5) - father of Nitesh, at the relevant time, had gone to the house of Bala and called him outside to ask him about the teasing incident. Thereafter, Bala seems to have called the present applicants. There was a quarrel between them and in the schuffle co-accused Bala allegedly inflicted knife blow on the stomach of the deceased - Nitesh which ultimately proved to be fatal. Insofar as the allegations against the present applicants are concerned, they also gave beating to the deceased and also to Kashinath. It is very pertinent to note that no corresponding injuries which could be attributed to the present applicants were found on the deceased - Nitesh. There is no scope to hold that it was premeditated attack. Considering the overall facts and circumstances of the case I am inclined to enlarge the applicants on bail hence I pass the following order:

. The applicants may be released on bail in the sum of Rs.10,000/- each with one or two sureties of the like amount subject to condition that all the applicants shall report the concerned police station every alternate Saturday between 10.00 a.m. to 11.00 a.m. for a period of two years.

(D.B.Bhosale, J.)